

TORBAY COUNCIL

Report No: **77/2006**

Title: **Pavement Café Permit Applications**

To: Licensing Sub Committee on 23 March 2006

1. Purpose

- 1.1 Advertisements have been placed in the local press inviting applications for Pavement Café Permits for a three-year period commencing 1st April 2006 in compliance with the Highways Act 1980.
- 1.2 8 applications have been received to renew existing permits, which expire 31.3.06, these are listed, including location plans, in **Annex 1** attached.
- 1.3 3 new applications have been received and are listed together with location plans in **Annex 2**.
- 1.4 A request has also been received from one existing permit holder for permission to extend an existing area, as detailed, including location plans, in **Annex 3**.
- 1.5 Consent to the applications by the Council, as Highway Authority, is required before the Pavement Café Permit can be granted.

2. Relationship to Corporate Priorities

- 2.1 The provision of Pavement Café Permits at approved locations improves the amenity of Torbay and enhances the streetscape in accordance with the Council's theme, Developing Torbay's culture and the specific aim "Encourage a continental Café Culture".

3. Recommendation(s)

- 3.1 That the Licensing Committee consider the granting of Pavement Café Permits for the period to the 31st March 2009, as follows:-
 - (i) Recommendations made for renewals, as shown in **Annex 1** be accepted.
 - (ii) Recommendations made for new applications, as shown in **Annex 2** be accepted.
 - (iii) Application for the extension to area, as detailed in **Annex 3** be refused.

4. Reason for Recommendation(s)

- 4.1 To consider the applications for Pavement Café Permits in accordance with the requirements for the Highways Act 1980.

5. Key Risks associated with the Recommendation(s)

By approving the pavement café license applications as recommended, there is very little likelihood of risk to the Council and the impact of the risk is also relatively low.

Likelihood	6	6	12	18	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2 X	3	4
		1	2	3	4
Impact					

Low risk
 Intermediate risk
 High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

6. Alternative Options (if any)

6.1 Renewal Applications:

Details of each application, including location plans, are given in **Annex 2**.

Renewal Applications	Warrens Bakery	55 Union Street	Torquay
	Chatterbox Coffee Shop	26 Union Street	Torquay
	Corner Café	22a Lower Union Lane	Torquay
	Fat Catz Café Bar	The Old Town Hall, Union Street	Torquay
	Oggy Oggy Pasty Co.	16-17 Fleet Street	Torquay
	Bed Bar Ltd	1 Fleet Street	Torquay
	The Dolphin Inn	36 Fore Street, St Marychurch	Torquay
	GGs Beach Café	1 Abbey Crescent	Torquay

Details of each application including location plans are given in **Annex 1**.

6.2 New Applications:

New Applications	Zulus	22 Victoria Parade	Torquay
	The Continental Restaurant	42-44 Torbay Road	Paignton
	Waterside Takeaway	101 Dartmouth Road	Paignton

6.3 Extension of Area:

Extension of Area	Vaughans Wine Bar	3 Vaughan Parade	Torquay
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Details of application with location plans are given in **Annex 3**.

7. Background

- 7.1 The Torbay Highways Joint Committee considered Report BE/38/90 of the Borough Engineer at its meeting on 30th May 1990. The report referred to procedures established by Devon County Council's Planning and Transportation Committee in respect of the obstruction of highways and to the criteria recommended by the Borough Council (Minutes 495/9/83 and 1632/3/84), when considering the granting of permission to operate pavement cafés for refreshment on the public highway.
- 7.2 In August 1992, the Borough Council delegated power to Officers to issue Pavement Café permits, subject to the approval of applications for pavement cafés by the Highway Authority, after consultation with Ward Members.
- 7.3 In February 1999, the Council's Policy Committee resolved that "All Pavement Café permits be for a three year period to which an initial fee of £200 is charged followed by renewal fees of £125 on the two subsequent 1st April dates".
- 7.4 Notice of these applications have been published in accordance with the required legislation which has elicited letters of objection in respect of one of the premises. The letter and a schedule are shown in **Annex 4** attached to this report.
- 7.5 It should be borne in mind that when a Pavement Café permit is proposed for use in conjunction with licensed premises, consent will be required by the Licensing Justices.

Michael J Yeo
Strategic Director for Community Services

Contact Officer: Gerry Bennett
Telephone no. 7726

IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources and Property Divisions.

Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i>		Name of responsible officer
Legal	Yes – The provision for issuing of a Pavement Café Licence is contained within the Highways Act 1980.	Stephen Dunn
Financial – Revenue	Yes – The charges for processing a licence cover staff hours in preparing, maintaining and supervising the agreement.	Adrian O'Rourke
Financial – Capital Plan	No	
Human resources	No	
Property	Yes – The Council's Estates Section are responsible for granting similar licences on Council owned non highway land, normally adjacent to café premises, for which a commercial charge can be levied.	Sam Partridge

Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively: <i>delete as appropriate</i>		
(i)	promote environmental sustainability?	No
(ii)	reduce crime and disorder?	No
(iii)	promote good community relations?	No
(iv)	promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?	No
(v)	reduce (or eliminate) unlawful discrimination (including indirect discrimination)?	No

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

Part 3

The author of the report must complete this section.

	<i>delete as appropriate</i>	If "Yes", give details
Does the proposal have implications for any other Directorates?	No	

Part 4

Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework?		<i>delete as appropriate</i>
		Yes
1.	If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.	
2.	If "Yes" - details and outcome of consultation, if appropriate. Applications for a Pavement Café Licence have been advertised in accordance with the Highways Act 1980.	

Part 5

Is the proposal a Key Decision in relation to an Executive function?	<i>delete as appropriate</i>	If "Yes" - give Reference Number
	No	

Part 6

Wards

All

Annexes

- Annex 1 Schedule of Renewals for Pavement Café Applications
- Annex 2 Schedule of New Pavement Café Applications
- Annex 3 Application for Extension of Pavement Café Area
- Annex 4 Schedule of Objector to the Application for extension to Pavement Café at Vaughans Wine Bar.

Documents available in Members' Room

None

Background Papers:

The following documents/files were used to compile this report:

Correspondence File 5/2/7

APPLICATIONS FOR RENEWALS

Item	Location	Applicant	Request	Comment	Recommendation
1	Warrens Bakery 55 Union Street Torquay	Mrs C Brewen	Area to front of premises 10.30am – 6pm	2.5m width strip adjacent to frontage of property	Accept
2	Chatterbox Coffee Shop 26 Union Street Torquay	Mr D Richardson	Area to front of premises 10.30am – 6pm	1.5m width strip adjacent to frontage of property	Accept
3.	Corner Café 22a Lower Union Lane Torquay	Mrs J Hockings	Area to front of premises 10.30am – 6pm	2m width strip adjacent to frontage of property	Accept
4	Fat Catz Café Bar The Old Town Hall Union Street Torquay	Mrs G Kass	Area to front of premises 10.30am – 6pm	1.6m width strip adjacent to frontage of property	Accept
5	Oggy Oggy Pasty Co. 16 – 17 Fleet Street Torquay	Ms R Elston	Area to front of premises 10.30am – 6pm	1.5m width strip adjacent to front of property	Accept
6.	Bed Bar Ltd (formerly No.1) 1 Fleet Street Torquay	Mr P Thornton	Area to front of premises 9am – 11pm	1.5m width strip adjacent to front of premises	Accept

Item	Location	Applicant	Request	Comment	Recommendation
7	The Dolphin Inn 36 Fore Street St Marychurch Torquay	Mr M Savage	Area to side of premises 9am – 11pm	2m width strip adjacent to the frontage of property facing St Margarets Road	Accept
8	GGs Beach Café 1 Abbey Crescent Torquay	Mr G and Mrs T Lorraine	Area to front of premises 9am – 11pm	1.5m width strip adjacent to frontage of property	Accept

ANNEX 2

Item	Location	Applicant	Request	Comment	Recommendation
1	Zulus 22 Victoria Parade Torquay	Mr K Henson	Area to front of premises 9am – 11pm	1.5m strip across front of premises	Accept
2	The Continental Restaurant 42-44 Torbay Road Paignton	Mr J Hobbis and Mr R Hewings	Area to front of premises 9am – 11pm	2m strip across front of premises	Accept
3	Waterside Takeaway 101 Dartmouth Road Goodrington Paignton	Mr A and Mrs P Yucel	Area to front of premises 9am – 11pm	2m strip across front of premises	Accept

ANNEX 3

<u>Application to Extend Area</u>				
<u>Location</u>	Applicant	Request	Comment	Recommendation
Vaghans Wine Bar 3 Vaughan Parade Torquay	Mr T O'Neil	To extend sitting area mid-way across walkway to Palk Street	Public access from/to Palk Street from Vaughan Parade. Also understood to be in breach of covenant to keep clear. Objection by TBC Estates Department.	Refusal

SCHEDULE OF OBJECTIONS

Vaughans Wine Bar	
M Palfreman – Valuer Torbay Council Estates Services	Blocking off half of walkway from Vaughan Parade to Palk Street (Possibly in breach of covenant).
Councillor Hayman	Concerned regarding use by disabled, partially sighted and other pedestrians.